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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/581,911 | 06/19/2000 | JAN ERIKSSON | 49549-60259 | 4412 |

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EXAMINER

VALENTI, ANDREA M

ART UNIT

PAPER NUMBER

3643

DATE MAILED: 06/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/581,911

Applicant(s)

ERIKSSON, JAN

Examiner

Andrea M. Valenti

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

In view of the Reply Brief filed on 08 December 2003, PROSECUTION IS HEREBY REOPENED. The new grounds of rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4 and 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 4,508,058 to Jakobson et al in view of U.S. Patent No. 5,463,567 to Boen et al.

Regarding Claims 1-4, Jakobson teaches an animal related apparatus, comprising a robot (Jakobson #8) for performing an animal related operation (Jakobson abstract first line, milking cows), the robot being associated with a control means

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(Jakobson Col. 6 line 26-30 and #5), and at least one animal related device (Jakobson #6) associated with the control means, the robot being provided with a robot arm (Jakobson #15) adapted to move the animal related device towards an animal characterized in that a registering means is provided for registering a cumulative running value (Jakobson second paragraph abstract, a registering means that registers the current time, the previous time, and the time that has elapsed in between when the cow was last milked thus giving a cumulative running value); the control means being adapted to generate a signal when a predetermined threshold value has been reached (Jakobson Col. 3 line 28-36 and if the registered time falls within the predetermined threshold value the signal by the control means is the activation of the milking equipment). Jakobson teaches the animal related device is a teat location device (Jakobson #14); a teat cleaning device (Jakobson Fig. 6 #18) the apparatus further comprises a gate means (Jakobson #4) for restricting movement of an animal from an animal space; the gate means being opened and closed by means of driving means.

Jakobson teaches machinery components of a milking apparatus i.e. robot, animal related device, animal related operation, teat location device, driven gate, and teat cleaning; but, is silent on the predetermined threshold value set for each of the at least one animal related device, the driving means of the robot and complete animal related operation and is silent on the running value being the running time of the teat location device, or the teat cleaning device or the driving means of the gate. However, Boen teaches establishing a predetermined threshold value for each machinery component (Boen abstract line 6-7, Col. 1 line 11-19, 29, 35-38). It would have been

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obvious to one of ordinary skill in the art to modify the teachings of Jakobson with the teachings of Boen at the time of the invention for the advantage of predicting failures so that servicing can be scheduled during periods in which productivity will be less affected and for preventing catastrophic failures as taught by Boen (Boen Col. 1 line 35-37).

Claims 5-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 4,508,058 to Jakobson et al in view of U.S. Patent No. 5,463,567 to Boen et al. as applied to claim 1 above, and further in view of WO 96/36212 to Innings et al.

Regarding Claim 5, Jakobson as modified teaches that the animal related device has milking equipment with a teat-cup (Jakobson Fig. 6) and that the control means being adapted to register the cumulative running value of the components of the apparatus (Boen Col. 5 line 4), but is silent on how the teat-cup operates. However, Innings teaches a teat-cup provided with a shell and a liner forming an intermediate space (Innings #6), the space being connectable to a source of vacuum (Innings #13) via a pulsator (Innings #17) being associated with the control means (Innings #20), and the control means being adapted to register the cumulative running value of the pulsator, the running time of the pulsator, or the number of pulsations generated by the pulsator (Boen Col. 2 line 18-25). It would have been obvious to further modify the teachings of Jakobson as modified by Boen with the teachings of Innings since it is old and notoriously well-known in the art of animal husbandry to have a lined pulsating teat-cup with a vacuum in an automated milking configuration and the teachings of Innings is

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merely an alternate equivalent teat-cup configuration selected for efficient automated milking procedures.

Response to Arguments

Applicant's arguments with respect to claims 1-10 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S. Patent No. 4,797,666.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrea M. Valenti whose telephone number is 571-272-6895. The examiner can normally be reached on 7:00am-5:30pm M-Th.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter M. Poon can be reached on 571-272-6891. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

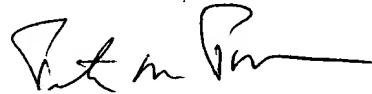
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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Andrea M. Valenti
Patent Examiner
Art Unit 3643

31 May 2005



Peter M. Poon
Supervisory Patent Examiner
Technology Center 3600